

1973

## Speeches, Report on U.S.-Philippines Relations

Mike Mansfield 1903-2001

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### Recommended Citation

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STATEMENT OF SENATOR MIKE MANSFIELD (DEMOCRAT-MONTANA)

February 21, 1973

Mr. President:

During the adjournment of the Congress, I requested the Secretary of the Senate, Frank Valeo, to undertake a brief journey to the Far East. In particular, I asked him to visit Manila and to discuss recent developments there with persons closely associated with the situation. Because of the long-standing and unique relationship between the Philippines and the United States and the diversified legal base on which it rests, it seemed to me useful to have an up-to-date evaluation of the situation from the legislative point of view.

The Secretary gave me his report in confidence last December. A plebiscite on the new Constitution of the Philippines was expected on January 15. Hence, these observations were not made public in order to avoid any implication of interference in that internal Philippine matter. In view of what transpired last month in the Philippines, however, it seems to me that the report can now be made available and will be of interest to the Senate. There is no reference in the report to developments which have taken place in the Philippines after mid-December when the report was transmitted to me. Nevertheless, most of the observations seem to me still to be pertinent since they cast recent events in terms of implications for U. S. policies and especially in terms of the Senate's potential legislative concern in the Philippine situation. I note, in particular, the report's reference to the fact that "President Marcos has given strong indication that he believes the time is approaching for a new look at treaties, agreements and other arrangements between the two countries. These ties encompass the military

bases, trade preferences, veterans benefits and even recruitment of Filipinos by the U. S. Navy for various duties. It would be prudent to anticipate the emergence of the issue of renegotiation, probably shortly after the new Constitution goes into effect."

The Constitution has now gone into effect and recent press reports suggest that the issue appears to be gaining momentum.

In connection with renegotiation, the Secretary recommends in his concluding comments that -

"Senate committee staffs should be fully prepared in regard to the background of all U. S.-Philippine questions by the time they are presented in the form of proposed treaties or requests for new legislation. In view of the special historic relationship between the United States and the Philippines, it may be desirable to consider the formulation of a U. S. Commission on the Philippines, including members of the Senate, to examine the range of existing relationships between the two countries with a view to proposing to the President and the Congress such modifications, as may be suitable a quarter of a century after independence. Alternatively, the Commission on the Organization of the Government for the Conduct of Foreign Policy might look in great detail into this matter.

"Some such consolidated examination would be valuable because of the great diversity of relationships which have been carried over from the pre-independence period. There would also be some value in a consolidated examination of this kind which took place prior to the establishment of executive positions. In that fashion there could be a legislative input into the formulation of any new arrangements and thus the subsequent adoption of these arrangements by the Congress would be facilitated. Moreover, largely because of its role in bringing about Philippine independence, the U. S. Congress is held in highest esteem in the Philippines. It would seem immensely desirable to build on this base by providing an active role for the Senate and the Congress in recasting the entire relationship. The alternative is a unilateral Executive Branch approach which would probably result in a piece-meal presentation of any newly negotiated arrangements to the various committees of Congress, without any attempt at a consolidated approach to a new relationship."

I ask unanimous consent, Mr. President, that the Secretary's heretofore confidential report on the Philippines to the Leadership be included at this point in the Record.

December 18, 1972

Honorable Mike Mansfield  
Majority Leader  
United States Senate  
Washington, D. C.

Dear Senator Mansfield:

Pursuant to your instructions, I left for the Republic of the Philippines on November 20, 1972. Ten days later, I returned to Washington, D. C. having stopped briefly en route in Hong Kong and Tokyo for conversations on developments in the People's Republic of China and the policies of Japan after the Tanaka-Chou meetings.

In Hong Kong, discussions were held with the U. S. Consul-General and his associates and with informed local residents. In Tokyo, I met with the U. S. Ambassador and members of his staff and with members of the Japanese Foreign Office.

My conversations in the Philippines were spread over several days and included meetings with President Marcos and Mrs. Marcos, as well as with members of the Presidential entourage. In addition, I talked with officers of the armed services and technicians of the Marcos Administration. I also met with Ambassador Byrde and senior officers of the U. S. Embassy in Manila and with various American and foreign residents in the Philippines.

The report which follows is an estimate of the current situation in the Philippines which is based on the sources mentioned above, supplemented by a study of recent documentation. It contains conclusions and recommendations directed to questions of policy which may confront not only the President of the United States but also the Senate and the Policy Committee in the coming Congress.

In the pursuit of the study, I received excellent cooperation from the Department of State as well as from the U. S. Embassies in Manila and Tokyo and the Consulate-General in Hong Kong.

Sincerely,

Francis R. Valeo  
Secretary of the Senate



MARTIAL LAW  
IN THE  
PHILIPPINES

Report of  
Frank Valeo,  
The Secretary of the Senate  
to  
Mike Mansfield, the  
Majority Leader of the  
United States Senate

December 1972

## THE SITUATION IN THE PHILIPPINES

### I The Nature of Martial Law

In outward appearance, the Philippine Republic has rarely been more serene. The armed services are conspicuous in their absence. Except between the hours of midnight and 4:00 a.m. when a curfew is in effect, there are few signs of martial law.

Manila is a city of normal activity. People go about the business of daily living with no signs of fear or anxiety. The back streets of Manila are rich with the characteristic human bustle of Asian cities. Traffic along Rojas Boulevard moves vigorously, but, seemingly, with greater discipline than in the past. The city is in the midst of an enthusiastic cleanup-beautification campaign, one of a number of civic projects to which Mrs. Marcos is lending her talents and energy at the present time.

It is said that when martial law was decreed there was a near universal sigh of relief in the Philippines. Thereafter, the popularity of the Marcos Administration is reported to have risen precipitously. Whatever the case, there are <sup>few</sup> ~~no~~ outward signs of restlessness with the present situation.

Except in Mindanao, not a single death has been attributed to the enforcement of martial law or the decrees issued thereunder by the President. While death penalties have been established for certain offenses, none has been applied. Except in Mindanao, the private armies which once flourished under the patronage of provincial and local *jefes* have been dissolved. In response to Presidential edict, about half-a-million weapons have been turned over to the authorities. The collection ranges from pistols to artillery pieces, most of them of U. S. or Japanese manufacture and many dating from World War II.

About 5,000 civil servants out of a total of several hundred thousand government employees have been dismissed. Profiteering, smuggling and gun-running have fallen off in the wake of the jailing of a number of political figures and businessmen who were said to be involved in these practices.

Basic commodities are in good supply and the price of food is down. The peso is stable in international exchange. Foreign business is operating freely and with less uncertainty and harassment than in the past.

Coincident with the declaring of martial law, the press and other media were shut down abruptly. News dissemination was confined at the time to one newspaper, one TV channel and radio station. A number of columnists were taken into custody. Many journalists and reporters were thrown out of work. This situation has now been eased so that, currently, several papers are published with "temporary" government subsidy and a number of TV and radio stations are on the air. Some journalists have been released and many are being re-employed.

The media remain subject to censorship and reveal a sharp change of tone in comparison with the past. Prior to martial law, the press was full of vitriolic comment on Marcos and his policies. What is communicated at present is free of abusive personal hostility. The reporting and commentary are either non-political or supportive of current policies. Nevertheless, the press cannot be said to have been converted into an instrument of personal glorification. There is little fawning over the President or his family.

Martial law is maintained by the Philippine Constabulary, under the command of General Vidal Ramos, with the regular armed services standing in reserve. The latter are directly and heavily engaged only in

the southern islands against the Moros. These tribal Moslems provide the principal resistance to the edict calling for a turn-in of weapons.

The Secretary of Defense is a civilian, Juan Ponce Enrile. Both Secretary Enrile and General Ramos are Marcos appointees as are many of the principal military figures. It is primarily through these associations and through the tradition of and training in civilian supremacy that the President maintains control over the military. It is also significant in this connection that the public spotlight does not fall on any particular military figure. President Marcos alone is the man-in-charge under martial law and his is a civilian image even though he is also the most celebrated Philippine soldier-hero of World War II.

## II Background to Martial Law

### President Marcos and Martial Law

The reporting of recent events gives the impression that martial law is designed for the sole purpose of perpetuating the rule of President Marcos. The legal fact is that it is the proposed new Constitution which opens the way for the President to remain legally in power indefinitely. The new Constitution provides that the President will continue to hold office during a transition of indeterminate length. Thereafter, he could run for the proposed one-house Parliament and, if elected, be selected by that body to the key position of Premier. Under the old Constitution, the President would be ineligible for a third term and, legally, would have to step-down at the end of 1973.



### Underlying Causes

Whatever the validity of the speculation on the personal motives of President Marcos there are other specific considerations which clearly underlay the declaration of martial law. The fact is that conditions had reached a sorry state in the Philippines. Indeed, the most frequently expressed criticism of the President's maneuver is, "why did he wait so long?"

The reference is to years of ineffectual government and deepening corruption, a process which had continued unchecked through successive administrations and Congresses. Furthermore, a situation had developed in Manila in which organized crime was growing at an astounding rate. Gambling and prostitution had become a massive 24-hour business. The streets were completely unsafe. Bank robberies, kidnappings, and gun-running were commonplace. Finally, with new restrictions coming into effect in Turkey, international drug operators had shifted operations to the Philippines. Perhaps as many as 20 factories had been set up to process crude opium smuggled in from Indochina.

Intermeshed with this flourishing vice, were several militant political groupings seeking an overthrow of the government by revolution or political coup. In the southern archipelago, the long-standing hostility of the Moros had been heated to a new intensity by increased Christian encroachments on tribal lands.

### Assassination Plots

Finally, there were the plots for violent uprisings, assassinations and kidnappings directed primarily at the President and his family. The personal danger was and remains authentic, as witness the recent attack

on Mrs. Marcos and the tight security at Malacanan Palace. The assassination plots (at least four attempts against the life of President Marcos have been delineated) derive from various sources and it is still unclear what relationship exists among them. It may well be that they were independent of one another, with each stemming from a separate set of grievances or personal animosities. However, the possibility of the extreme right financing the activities of the extreme left in order to intensify the chaos and make possible a military overthrow of the Marcos Administration cannot be overlooked.

Whatever the case, the principal plot is now described by the Marcos Administration as involving "rightist oligarchs" conspiring with defeated political opponents and retired and active military officers.

### III Objectives of Martial Law

The immediate purposes of martial law have been achieved in that a violent opposition has been silenced and a measure of order and discipline has been introduced into Philippine affairs. It is becoming apparent, however, that there were purposes other than the immediate which underlay the declaration of martial law. These purposes have to do with bringing about fundamental changes in Philippine society.

Once declared, martial law not only brought out the military to maintain order, it also opened the way for the President to initiate by decree the social reforms which, for many years, have been widely recognized as essential to the survival of a free system in the Philippines. Although they had been debated and discussed at length, many never saw

the light of day in the form of legislation. Others were adopted as law but in so watered down a form as to be ineffectual. Still others were enacted but lost their substance in a maze of bureaucratic incompetence and corruption.

#### Constitutional Change

The fundamental reform involves the new Constitution. Whatever the differences in Philippine politics, there has been wide agreement that the present Constitution is unsuited to the solution of the nation's problems. It is modeled closely after the U. S. Constitution and U. S. Constitutional practices prior to the Great Depression. This system was married to a Philippine social structure with strong Hispanic-Colonial overtones set on a Moslem-Malay-Chinese base. The combination created an ineffectual government even as it opened the doors to an unabashed official corruption.

No one can say whether the new Constitution, if it is adopted, will meet the basic needs of the Philippines. There is wide agreement, however, that under the present Constitution, it is impossible to do so.

In the middle of January, it has been announced that the new Constitution will be put to the test of a plebiscite. Thereafter, an interim government consisting of the President and members of the Constitutional Convention will function pending regular parliamentary elections. The date of the regular parliamentary elections is not yet fixed but it could come toward the close of 1973.



Doubts have been expressed in some quarters that this scenario will be followed. It is suggested, rather, that Marcos will continue indefinitely to rule as interim President. On the other hand, it should be noted that the new Constitution should be agreeable to the President in that he is reported to have written significant portions of the final draft. For two years, he has supported the work of the Constitutional Convention in which his backers have been the dominant faction. It would seem somewhat far-fetched to anticipate that he will now reject what, for all practical purposes, is his own handiwork. By temperment<sup>a</sup> and training, moreover, Mr. Marcos is a lawyer and legislator and he would have no personal difficulty in functioning in a parliamentary setting. Finally, the new Constitution will permit a continuance of the kind of government initiative which has characterized his leadership under martial law.

#### Land Reform

In the end, the success of the present Marcos maneuvers is generally believed to rest heavily on the outcome of the land reform. This problem is, at once, the most pressing and most intractable which confronts Manila. Both the Congress and the President have been grappling without success for years to devise an effective formula for land-redistribution especially for the island of Luzon where tenancy is widespread and oppressive.

A legal basis has now been provided by Presidential decree for a broad redistribution of land-ownership to the tenants. The program is already underway and so far is reported to be moving well. The large estates have been scheduled for expropriation with compensation, with



few difficulties being encountered in this connection. Problems are arising in preempting the land of small absentee holders. Many of these owners live in the cities and towns where they are government employees, tradesmen and other members of the small modern middle class. As a group, they have been a source of political strength for the President and among the staunchest supporters of martial law. They are reluctant to relinquish their lands which have cultural significance as well as economic worth. If they are not liberally compensated for the expropriations, their support for the President and martial law could evaporate very quickly. There are indications that requests for financial aid from this nation may be forthcoming in this connection. Heretofore, however, the only U. S. assistance of any consequence in this connection has involved aid in land surveying and registration, the establishment of new credit facilities in the rural areas and similar technical undertakings.

To sum up, then, beyond the ostensible objective of restoring law and order, martial law has paved the way for a reordering of the basic social structure of the Philippines. President Marcos has been prompt and sure-footed in using the power of Presidential decree under martial law for this purpose. He has zeroed in on the areas which have been widely recognized as prime sources of the nation's difficulties--land tenancy, official corruption, tax evasion, and the abuse of oligarchic economic power. Clearly he knows the targets. What is not yet certain is how accurate have been his shots. Nevertheless, there is marked public support for his leadership and tangible alternatives have not been forthcoming. That would suggest that he may not be striking too far from the mark.

#### IV U. S. Responses to the Situation

##### U. S. Business Community

The U. S. business community in Manila seems to have been reassured by recent developments. The trend of court decisions prior to martial law had raised serious questions as to whether or not U. S. businessmen could continue to operate at all in the Philippines. Henceforth, they hope for and expect more equitable treatment.

*regarding* President Marcos has given assurances to foreign businessmen ~~of~~ their continued participation in Philippine economic development. These assurances are of significance not only to the U. S. nationals who hold the largest share of the foreign investments but to others as well, notably the Japanese. Japan's business holdings are much less conspicuous than those of the United States but are believed to run a close second in value.

~~For the present,~~ <sup>the</sup> special economic and military arrangements which have existed between the United States and the Philippines remain intact. These include not only the unique privileges of American investors under the old Constitution but trade preferences, notably the sugar quota, and the rent-free military base agreements involving tens of thousands of acres of land at Subic Bay and Clark Field. President Marcos has expressed the view that the time is approaching for an up-dating of all arrangements between the United States and the Philippines. At least a restatement of these arrangements, will be necessary, in any event, both in connection with the new Constitution and the expiration of the trade preferences in 1974.

#### U. S. Aid

For the present, U. S. aid continues unchanged. On the non-military side, it consists largely of a technical assistance program and P. L. 480 and, most recently, the U. S. flood relief program. Based in large part on the Senate's initiative, the latter program can be regarded as having been immensely helpful to the Philippines at a time of a great natural disaster. There is genuine Philippine awareness of the value of the prompt and effective administration of this program.

#### V. Concluding Comments and Recommendations

##### Nature of Martial Law

Martial law was declared and is being administered at this time on a Constitutional basis in the Philippines. The military carries out the orders but it is the President who gives them. In this respect, the principle of civilian supremacy remains in the saddle. Barwing the assassination of President Marcos, there is little likelihood of its being unseated.

A temporary respite in the social deterioration has been provided by martial law. It should last long enough to initiate a long-delayed re-ordering of Philippine society. In the end, however, durable change cannot be brought about in a setting of expediency. It must be reiterated, therefore, that the respite is temporary. Unless the momentum of change is maintained and transferred into a new and more effective Constitutional setting, the existing tranquility will only be the lull before the storm.



Today, with political extremism on the defensive, with official corruption taking cover and with the people reassured as to the stability of their government and the effectiveness of its leadership, it is relatively easy to maintain order under martial law. The cost is small. The returns are great. That will not be the case tomorrow, if the reforms fail to take permanent root.

#### Philippine Leadership under Martial Law

To a great extent the success or failure of the Marcos manoeuvre rests on the shoulders of the President and his immediate associates, in all, perhaps thirty or forty men. For the most part, those who are managing the transition are well-trained technicians, modern-minded and energetic and imbued with enthusiasm. They share with the President an apparent determination to use the power to act under martial law to begin the building of a "new society" in the Philippines.

President Marcos alone, however, is the political leader. He will set the pace and direction of change. He will make the critical decisions. In short, he is the critical factor in the present situation. The Philippines Republic may or may not make the transition to an effective and responsive system which will contain a recognizable degree of individual freedom. Almost certainly, however, the transition cannot be made without President Marcos.

#### Implications of Assassination

In the circumstances, President Marcos remains the natural target of the political assassin. If he is removed from the scene before



the new Constitutional structure is firmly established, the legal succession will be thrown into complete chaos. The military forces, now led by Marcos-appointed officers, are not likely to acquiesce in the orders of a dubious civilian successor to Marcos. Moreover, any attempt by a successor government to check the momentum of change would set in motion, again, a swelling demand for violent change.

The assassination of President Marcos, in short, would most likely set the stage for a military dictatorship and possibly a subsequent civil war. In that case, the United States with two great military bases and a long association with the Philippine armed forces, would be pressed to become increasingly involved in the situation.

#### Vietnamese Parallels

To be sure, there are many non-parallels in the Philippine and Vietnamese situations but, from the above, it can be seen that there are also disturbing similarities. President Marcos, himself, is fully aware of them. Indeed, he has made clear that the steady accretion of the elements of another Vietnamese-type tragedy was a critical consideration in prompting him to declare martial law.

#### Requests for U. S. Aid

As the reforms progress, it may be that additional requests for U. S. aid will be forthcoming. Each such request should be considered on its merit, even as this nation continues to restrain its involvement in the internal political developments under martial law. These matters are essentially the concern not of the United States but of the Philippine nation. To the extent that we may be called on to respond to aid-requests,

it would be well, not only to weigh each separately on its merit, but also to consider each carefully in terms of whether it increases or decreases the likelihood of an eventual U. S. military involvement.

Whether the response is positive or negative, above all, it should not be gratuitous. We are dealing with a new generation of Philippine leaders who no longer see themselves as this nation's dependents. They are intensely nationalistic. Their personal memories of past U. S.-Philippine ties are either non-existent or dimming into amiable or hostile generalities. The present political leaders of the Philippines are not pro-American, pro-Spanish, pro-Japanese or pro-anything other than pro-Philippine. After that, if there is any favorable inclination at all, it is generally towards the United States. In any event, that is the tone which has been set by President Marcos.

The tie of acculturation with the Philippines can be encouraged by this nation as a long-range asset if there is public understanding of the problems of the Philippines, a sympathetic diplomacy and great restraint in official involvement in the internal affairs of the Philippines. However, any tendency to exploit the ties or to corrupt <sup>new and</sup> them into ambiguous forms of dependency will yield only liabilities. An aid-effort, deliberate or clumsy, which operates at cross-purposes with the transition in the Philippines would fall into the latter category.

#### Future of U. S. Business

We should also be aware that changes may be coming in the special position which American nationals, as compared with other foreigners, have carried over from the colonial era in the Philippines. The American

business community in Manila, in general, seems alert to this likelihood and does not seem dug in against change although there is, clearly, an understandable desire to preserve as much as possible of their present advantage. The Marcos Administration is likely to be understanding of this situation if we are similarly inclined. We should bear in mind that quite apart from this special position, which affects only a handful of U. S. nationals, the U. S. business stake in trade and investment with respect to the Philippines is large and can become larger if a general climate of cooperation can be preserved. We should bear in mind, too, that the international economic interests of the Philippines are diversifying. Japan, for example, already has great significance in the Philippine economy with which there are natural lines of commerce. The likelihood of Mainland China establishing ties should also be anticipated. In this connection, it might be noted that not only did Taiwan contribute to Philippine flood relief, so, too, did Peking.

The Philippines and the U. S. Senate

While U. S. official responses to the Philippines will be set by the President and the Secretary of State, it is also likely that the Senate will be confronted with major issues of policy in this connection. In the first place, as noted, President Marcos has given strong indication that he believes the time is approaching for a new look at treaties, agreements and other arrangements between the two countries. These ties encompass the military bases, trade preferences, veterans' benefits, and even recruitment of Filipinos by the U. S. Navy for <sup>various jobs</sup> ~~naval~~ duty. It would



be prudent to anticipate the emergence of the issue of renegotiation, probably shortly after the new Constitution goes into effect.

Relevant Senate committee staffs should be fully prepared in regard to the background of all U. S.-Philippine questions by the time they are presented in the form of proposed treaties or requests for new legislation. In view of the special historic relationship between the United States and the Philippines, it may be desirable to consider the formulation of a Joint-Philippine-U. S. Commission <sup>on the Philippines,</sup> including members of the Senate, to examine the range of existing relationships between the two countries with a view to proposing to the President and the Congress such modifications, as may be suitable a quarter of a century after independence. Alternatively, the Commission on the Organization of the Government for the Conduct of Foreign Policy might look in great detail into this matter. <sup>P</sup> Some such consolidated examination would be valuable because of the great diversity of relationships which have been carried over from the pre-independence period. There would also be some value in a consolidated examination of this kind which took place prior to the establishment of executive positions. In that fashion there could be a legislative input into the formulation of any new arrangements and thus the subsequent adoption of these arrangements by the Congress would be facilitated. Moreover, largely because of its role in bringing about Philippine independence, the U. S. Congress is held in high esteem in the Philippines. It would seem immensely desirable to build on this base by <sup>providing</sup> providing an active role for the Senate and the Congress in the ~~renegotiation~~ <sup>negotiation</sup>.



of the entire relationship. The alternative is a unilateral Executive Branch approach which would probably result in a piece-meal presentation of any newly negotiated arrangements to the various committees of Congress, without any attempt at a consolidated approach to a new relationship.